

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

S. WAQAR HASIB (CABN 234818)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: waqar.hasib@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT ANTONIO BARRAGAN
SOLORIO,

Defendant.

No. 11-00571-WHA

JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE SENTENCING
TO OCTOBER 24, 2012, OR ANY DATE
AT THE COURT'S CONVENIENCE

The parties hereby jointly stipulate and request the Court to continue the sentencing in the above-referenced matter, currently scheduled for October 16, 2012, to October 24, 2012, or to any date at the Court's convenience. As grounds therefor, the parties jointly represent that they require the additional time to conduct further research into possible arguments that may be raised at sentencing. In particular, on October 11, 2012, the parties received an addendum to a report that was originally prepared by a court-appointed clinical psychologist on March 14, 2012, at the behest of this Court, regarding the defendant's mental competency. The addendum was prepared as a result of an additional meeting between the psychologist and the defendant that occurred on October 9, 2012. The psychologist was unable to meet with the defendant before that date

owing to his unavailability and the unavailability of an interview room at the North County Jail where a contact visit could be scheduled. The addendum raises some significant issues relating to the applicability of certain guideline provisions, including the applicability of a departure based on diminished capacity under U.S.S.G. § 5K2.13, and the applicability of a two-level “safety valve” reduction under U.S.S.G. § 5C1.2. The parties jointly request a modest continuance of approximately one week, to October 24, 2012, or to any other date at the Court’s convenience, so that these issues may be properly investigated prior to sentencing.

Undersigned counsel has consulted with the U.S. Probation Officer assigned to this case, who indicates that he is available on October 24, 2012.

DATED: October 12, 2012

Respectfully submitted,

MELINDA HAAG
United States Attorney

/s/ Peter Goodman
PETER GOODMAN, ESQ.
Counsel for SOLORIO

/s/ S. Waqar Hasib
S. WAQAR HASIB
Assistant United States Attorney

The sentencing date is hereby continued to October 24, 2012 at 2 p.m.

SO ORDERED.

DATED: October 15, 2012.

